

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARLENE HOPKINS, individually, :
as Wrongful Death Heir, and as :
Successor-in-Interest to :
NORMAN HOPKINS, JR., Deceased; :
and MICHELLE HOPKINS, and :
MICHAEL HOPKINS, as Legal :
Heirs of NORMAN HOPKINS, :
Deceased, THE FLINTKOTE :
COMPANY, THE OFFICIAL :
COMMITTEE OF THE ASBESTOS :
PERSONAL INJURY CLAIMANTS, :
and JAMES J. McMONAGLE as the :
LEGAL REPRESENTATIVE FOR :
FUTURE ASBESTOS PERSONAL :
INJURY CLAIMANTS, :
: :
Plaintiffs, :
: :
v. : Civil Action No. 06-298-JJF
: :
PLANT INSULATION COMPANY; :
UNIROYAL HOLDING, INC.; :
IMPERIAL TOBACCO CANADA :
LIMITED; SULLIVAN & CROMWELL :
LLP; and DOES 1 through 100, :
: :
Defendants. :

O R D E R

WHEREAS, Defendant Imperial Tobacco Canada Limited ("ITCAAN") filed a Motion To Exceed Page Limit (D.I. 22) requesting the Court to allow it to file a 40 page Reply Brief in order to address the issue of abstention raised by The Flintkote Company ("Flintkote") in its Answer Brief to ITCAAN's Emergency Petition For An Order Of Transfer Pursuant To 28 U.S.C. § 157(b)(5) (the "Emergency Petition");

WHEREAS, Flintkote opposes the motion on the grounds that ITCAAN was aware that abstention was a required analysis under

Section 157(b)(5) based on the case law cited by ITCAAN, yet ITCAAN made a tactical decision to ignore this analysis;

WHEREAS, Flintkote does not request the opportunity to file a Sur-Reply, but states that it will, upon request by the Court, address any issues raised by ITCAAN's response, if the Court should grant the Motion To Exceed Page Limits;

WHEREAS, in the interests of providing the parties with a full and fair opportunity to address all issues relevant to the Emergency Petition, the Court will grant ITCAAN's request, and provide The Flintkote Company with an opportunity to file Sur-Reply arguments if, after reviewing the briefing, the Court finds such additional arguments to be necessary;

NOW THEREFORE, IT IS HEREBY ORDERED that ITCAAN's Motion To Exceed Page Limitation (D.I. 22) is **GRANTED**.

May 25, 2006
Date


UNITED STATES DISTRICT JUDGE